IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION

| TRAXCELL TECHNOLOGIES, LLC, |) |
|-----------------------------|--|
| Plaintiff, |) CASE NO. 6:21-cv-00023-ADA |
| v. |))) JURY TRIAL DEMANDED |
| GOOGLE LLC, |) JUNI IMAL DEMANDED |
| Defendant. |) |
| |) |

NOTICE OF DECISION IN A RELATED PROCEEDING PERTAINING TO DEFENDANT'S PENDING MOTION TO DISMISS PURSUANT TO RULE 12(b)(6) (DKT. 15)

Defendant Google LLC ("Google"), by and through its undersigned attorneys, hereby notifies the Court of the United States Court of Appeals for the Federal Circuit's ("Federal Circuit") recent decision in *Traxcell Technologies*, *LLC v. Sprint Communications Company LP et al*, Case Nos. 2020-1852, 2020-1854 (Fed. Cir. Oct. 12, 2021), which Google attaches hereto as **Exhibit A**.

By way of background and as set forth in Google's Motion to Dismiss Pursuant to Rule 12(b)(6) ("Motion to Dismiss"), on October 31, 2017, Traxcell Technologies, LLC ("Traxcell") filed a complaint against various carrier defendants, including Verizon Wireless Personal Communications, LP et al. ("Verizon"), in the United States District Court for the Eastern District of Texas ("EDTX") ("Traxcell I"). See Dkt. 15 (setting forth the relevant facts in Traxcell I). Traxcell's complaint alleged infringement of U.S. Patent No. 9,549,388 ("'388 patent") based on, inter alia, the use of the Google Maps application on the Verizon Navigator product. See id. at 1-2. On June 28, 2019, Verizon moved for summary judgment of non-

products possess . . . either a wireless network . . . or a second processor within the wireless network . . . that determines the location of the wireless mobile communications device." *See id.* at 3-4. In granting Verizon's motion, the EDTX court held, among other things, that "Traxcell ha[d] not provided sufficient evidence that the Verizon Navigator or the Google Maps applications (or any other navigation application) utilize a location that is determined on the network to display maps" because "the Google Maps [] application[] only utilized device locations that were calculated by the device." *See id.* at 4-5. Traxcell appealed that ruling and, on October 12, 2021, the Federal Circuit affirmed. *See* Exhibit A at 21-23.

On January 13, 2021, Traxcell Technologies, LLC ("Traxcell") filed the above-captioned complaint against Google alleging infringement of the same '388 patent asserted in *Traxcell I*, as well as a related patent (*i.e.*, U.S. Patent No. 9,918,196 ("'196 patent")) with substantially similar claim limitations as the '388 patent. In response, on March 19, 2021, Google filed its Motion to Dismiss, which is now fully briefed. *See* Dkt. 15; *see also* Dkt. 19 (Traxcell's Response); Dkt. 23 (Google's Reply). As set forth in its Motion, Google argued that Traxcell's claims should be dismissed on collateral estoppel grounds based on the EDTX's summary judgement holding in *Traxcell I*. Although Traxcell acknowledged that a final judgment such as the EDTX court's summary judgment order in *Traxcell I* "can serve as a basis for collateral estoppel," Traxcell argued that "judicial economy is best served in waiting for the decisions on appeal." Dkt. 19 at 2. The Federal Circuit has now affirmed the EDTX court's summary judgement decision, further confirming that Traxcell's complaint filed against Google in this Court is barred under collateral estoppel for the reasons set forth in Google's Motion to Dismiss. *See* Exhibit A at 21-23; Dkt. 15, 23.

Dated: October 12, 2021

Respectfully Submitted,

/s/ G. Blake Thompson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 12, 2021, a true and correct copy of the foregoing document was served to the parties' counsel of record.

/s/ G. Blake Thompson

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